

# EXHIBIT 22

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CORNELL HOLDEN and MIGUEL MEJIA on  
behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

**1:17-cv-02192-JGK-RWL**

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY; THE PORT AUTHORITY POLICE  
DEPARTMENT; and MICHAEL OPROMALLA,  
SHAUN KEHOE, JOHN TONE, JORDAN  
ESPOSITO, MICHAEL DEMARTINO, RICHARD  
AYLMER, and OFFICERS JOHN DOE 1-100, sued  
in their individual capacities and official capacities as  
officers of the Port Authority Police Department,

**DECLARATION OF J.R.**

Defendants.  
-----X

J.R. declares as follows under penalty of perjury:

1. Due to the sensitive nature of the allegations I was accused of in this case and the other reasons detailed below, I wish to proceed anonymously in this case as J.R.
2. I have submitted a copy of this affidavit with my full name to plaintiffs' counsel for their file. I do not wish for the copy with my full name to be filed publicly.
3. My name is J.R. On April 29, 2014, I was arrested by the Port Authority Police Department ("PAPD") outside of the men's restroom of the Port Authority Bus Terminal ("PABT") on the charge of Public Lewdness.
4. My arrest occurred near Gate 202 in the Port Authority Bus Terminal, which was where the bus I regularly used to commute to and from work was scheduled to depart.

5. On that day, I was commuting to work on a bus from Queens to New Jersey, as I did daily at the time. I decided to use the restroom on the second floor of the south building in the Port Authority Bus Terminal before my bus departed.

6. A man I later discovered to be a plainclothes Port Authority Police Department officer was standing at one of the urinals when I entered the restroom. At the time, I did not know that he was an undercover officer. This man was white, had a shaved head, and was wearing a black hat. I approached the last urinal in the row, and this man was standing immediately to my left. I began to relieve myself and noticed him looking at me. He attempted to look over the divider at my genitals, moved his own arm in a suggestive manner, and tried making eye contact with me. I thought it was strange, but I assumed that the man was interested in me. His behavior made me nervous and uncomfortable, so I finished using the restroom and tried to leave.

7. As I exited the restroom and walked to the bus gate, I looked back over my shoulder and saw the man from the restroom following me. I got to the gate and waited in line. As I was waiting, the man from the restroom came up behind me and was looking at his phone. He did not say anything to me. I was very confused by his behavior. It made me apprehensive as I did not know what was happening.

8. As I got to the front of the line to board the bus, a second man, whom I now know to be an officer of the Port Authority Police Department, asked me to step to the side "for a second." He and the man from the restroom pulled me off the line, cornered me, and started grilling me with questions. I did not feel capable of leaving in that moment. They angrily asked me what I was doing in the restroom. I specifically remember denying *multiple* times that I did anything illegal. I felt extremely anxious and was ultimately pressured into saying that I was "jerking off" even though I was simply using the restroom to urinate. I felt that they would not stop pressuring

me and cornering me until I confessed to masturbating in the restroom, even though I was not doing so.

9. At that point, I was placed in handcuffs in full public-view. They told me that I was being arrested for lewd conduct. They radioed for assistance, and as we exited the gate area, two uniformed officers joined the group to parade me through the bus terminal to the police precinct. While we were walking, the officers began lecturing me, stating that what I had done was inappropriate and disgusting. They shamed me for something I did not do, stating that kids use the restroom facilities. One officer, in a demeaning tone, stated, "We got ourselves another one." There was a derogatory tone to his voice that was very recognizable to me, as I've heard this tone used in other parts of my life to describe men who are gay like me. It felt like there was an air of congratulations and celebration among the officers regarding my arrest.

10. The officers took me to the Port Authority Police Department precinct where I was detained for 5 hours. While I was detained, I was photographed and fingerprinted. They took my belongings and I was placed in a holding cell. There was a gentleman in the cell next to me who had been brought in at around the time. I believe he was arrested for the same thing.

11. I was only allowed to make a phone call very late in my detention. I called my office and told them where I was, and that I had been arrested. I missed work that day and many people were concerned as to where I was. At that point, I discovered that both my bosses and then-husband had been calling police and emergency rooms to try to figure out where I was. I was extremely embarrassed.

12. I received a desk appearance ticket and was told to appear in Court.

13. When I appeared at court, I met with a public defender from Legal Aid. My attorney contested the charge and the prosecution noted that I admitted to masturbating at the time of the arrest. Because of my coerced and false confession, the judge allowed the case to proceed.

14. Because I was anxious about the outcome of the case, I sought and retained separate counsel. Over the next six to eight months, I went to court three more times. On each of these occasions, I had to miss work.

15. At the end of this process, my counsel was able to negotiate a deal with the prosecutor that resulted in a public urination charge for which I paid a fine and completed three days of community service.

16. I have no prior arrests or convictions.

17. This whole experience has caused me anxiety and trauma. It certainly has made me wary of using public restrooms. I do not use urinals anymore. Using public restrooms makes me nervous and anxious that something like this could happen again. I avoided the bathrooms in the Port Authority Bus Terminal for many, many months. Even entering the Port Authority Bus Terminal building causes me anxiety, as I have seen the arresting officer a few times since that incident.

18. Aside from counsel, I have only spoken to my therapist and one of my bosses about the arrest. Neither my family members nor friends know about this ordeal.

19. My instinct when I was arrested and going through the legal process was that this whole incident was a grave injustice that I felt powerless to combat. I wanted to get through it because I had no clue how to fight this and felt like anything I did would be futile. I felt victimized. This experience has made me very distrustful of police, which is not a feeling I'd

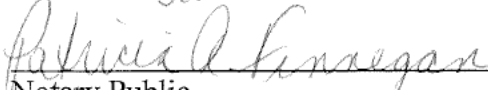
ever had before. I was in therapy at the time and spent a lot of time processing this with my counselor.

WHEREFORE, I respectfully request that the Court grant the relief sought by the Plaintiffs. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 6/12/2019

  
J.R.

Sworn to before me this  
12<sup>th</sup> day of June, 2018.

  
Notary Public

Patricia A. Finnegan  
NOTARY PUBLIC, State of New York  
No. 01F16328415  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires July 27, 2019